

PATENT

Mail Stop Appeal Brief - Patents

Attorney Docket No. INS-31875

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants : HIRSCH, Alan R.  
Serial No. : 10/690,791  
Filing Date : October 22, 2003  
Examiner : FLOOD, Michele C.  
Group Art Unit: 1655  
For : Method of Altering Weight Perception  
Confirmation No.: 5622

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**CERTIFICATION OF SUBMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted via the Patent Electronic Filing System (EFS) at the U.S. Patent and Trademark Office.

Date: September 10, 2009 John R. Palmatier

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**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief, mailed September 4, 2009. The notice indicated a discrepancy with respect to the statement of the status of all claims.

A corrected **STATUS OF CLAIMS** is at page 2 of this paper.

**Remarks** begin on page 3 of this paper.

**Status of the Claims**

Please replace the section entitled 'Status of Claims' as follows:

**III. STATUS OF CLAIMS**

The status of all of the claims of this application is as follows:

Claims pending: 1-4, 6-9, 26, 27, 31-33 and 42-47.

Claims canceled: 5, 10-25, 28-30 and 41.

Claims withdrawn: 6-9, 27 and 31-33.

Claims rejected and on appeal: 1-4, 26 and 42-47.

**Remarks**

This is in response to the Notification of Non-Compliant Appeal Brief, mailed September 4, 2009. The notice indicated a discrepancy in the statement of the status of all claims.

Applicant hereby submits the corrected section of the non-compliant Appeal Brief – Section III. Status of Claims which corrects the statement of the status of the claims (re. the 'rejected' claims).

Only the amended section is submitted herewith. The remainder of Applicant's Appeal Brief, filed August 10, 2009, has not been re-submitted, and entry and consideration of the Appeal Brief with Applicant's remarks is requested.

**Extension of Term.** The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Appellant believes that no extension of term is required, but conditionally petitions for an extension of time if so required. If any extension and/or fee are required, please charge Account No. 23-2053.

For the reasons stated in the above arguments, Appellant believes that the claims on appeal comply with 35 U.S.C. §112(1), and requests that the final rejection of the claims on appeal be reversed.

Respectfully submitted,



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Reg. No. 34,259

Dated: September 10, 2009

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